

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DANIEL DACHILLE and LAROSE
FLORIST, INC.,

Plaintiffs,

v

BANK OF AMERICA, N.A., BANK
OF AMERICA CORP. and JOHN
DOES 1 THROUGH 50,

Defendants.

Civil Action No. 09-2138 (KSH-PS)

**CONSENT ORDER STAYING
DEADLINE WITHIN WHICH
DEFENDANTS MAY ANSWER OR
OTHERWISE RESPOND TO THE
COMPLAINT**

WHEREAS, this matter comes before the Court by way of letter dated July 20, 2009, from Defendants, Bank of America, N.A. and Bank of America Corp. ("Defendants"), to stay the deadline within which Defendants may answer or otherwise move with respect to the Complaint until after the United States Judicial Panel on Multidistrict Litigation ("JPML") renders a decision on whether this case should be unconditionally transferred to the United States District Court for the Southern District of Florida and coordinated as part of *In Re: Checking Account Overdraft Litigation*, which is currently pending under 09-MDL-2036 and S.D. Fla. Civil Action No. 09-2036; and the Court having found that on June 12, 2009, the JPML issued a Conditional Transfer Order transferring this case to the Southern District of Florida; and the Court having further found that the parties to

this case are currently briefing the issue of whether this case should be unconditionally transferred to the Southern District of Florida before the JPML pursuant to the Order issued by the JPML on June 26, 2009; and the Court having further found that the current deadline within which Defendants may move or otherwise respond to the Complaint in this District is August 14, 2009; and the Court having further found that it has obtained the consent of Plaintiffs, Daniel Dachille and LaRose Florist, Inc. ("Plaintiffs"), who have no objection to staying the deadline within which Defendants may answer or otherwise move with respect to the Complaint; and for good cause shown;

It is on this 28 day of July 2009

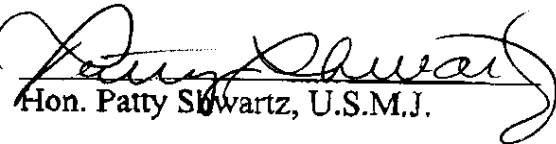
ORDERED that the current deadline of August 14, 2009, within which Defendants may answer or otherwise move with respect to the Complaint in this District be and hereby is stayed; and it is further

ORDERED that Defendants, Bank of America, N.A. and Bank of America Corp., shall file an answer or otherwise move with respect to the Complaint within twenty (20) days after the United States Judicial Panel on Multidistrict Litigation renders a decision on whether this case should be unconditionally transferred to the United States District Court for the Southern District of Florida and coordinated as part of *In Re: Checking Account Overdraft Litigation*; and it is further

ORDERED that all claims and defenses of the parties to this case are expressly preserved and are not waived or intended to be waived in whole or in part by the entry of this Consent Order;

ORDERED that a copy of this Order shall be served on all counsel of record within five (5) days of receipt, unless electronically served by the Court.

By:

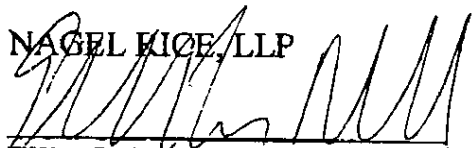

Hon. Patty Stewart, U.S.M.J.

cc: Hon. Katharine Hayden, U.S.D.J.
Clerk, U.S. District Court
All counsel and parties of record

The undersigned hereby consent to the form and entry of this Order.

Attorneys for Plaintiffs, Daniel Dachille and LaRose Florist, Inc.:

NAGEL RICE, LLP

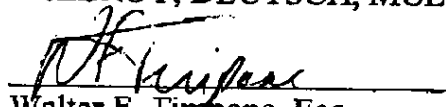

Elliot L. Fell, Esq.
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Dated: 7/27/09

Attorneys for Defendants, Bank of America, N.A. and Bank of America Corp.

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Dated: 7/27/09